

#### 4001-2. Motions to Extend or Impose the Automatic Stay.

##### (a) Motion Required.

Any party in interest seeking to extend the automatic stay pursuant to 11 U.S.C. § 362(c)(3)(B) or to impose the stay pursuant to 11 U.S.C. § 362(c)(4)(B) must file a motion in accordance with Bankruptcy Rule 9013, thus initiating a contested matter under Bankruptcy Rule 9014.

(b) Contents. The moving party must state whether continuation or imposition of the automatic stay is sought with respect to all creditors or only specified creditors, who must be identified by name. The moving party must also set forth facts in support of the motion, established by declarations as appropriate, showing that the filing of the present case is in good faith as to the creditors to be stayed and describing the circumstances that led to the dismissal of any prior case(s) concerning the debtor.

(c) Service. Service shall be on all creditors to be stayed, the United States Trustee, any trustee appointed in the case, and the debtor (if the debtor is not the moving party). Service shall be in accordance with Bankruptcy Rule 7004, except as to parties who have appeared in the case (in which event Bankruptcy Rule 7005 applies) or unless the court orders otherwise.

##### (d) Timing.

~~(1)~~ Hearings should be scheduled on 14 days notice on the assigned judge's regular relief from stay calendar, but if no hearing date which will permit 14 days notice is available within 30 days of the petition date the moving party should comply with the assigned judge's procedures for scheduling a special setting. For hearings on shortened time, the moving party must comply with B.L.R. 9006-1.

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~~(2) Alternatively, the moving party may utilize the "Notice and Opportunity For Hearing" procedures of B.L.R. 9014-1(b)(3). For purposes of motions made under this rule, the 21 day notice provision of B.L.R. 9014-1(b)(3)(A)(i) (time to object and request a hearing) shall be 14 days; the 14 day notice provisions of B.L.R. 9014-1(b)(3)(A)(iv) (time for initiating party to give notice to objecting party) and B.L.R. 9014-1(b)(3)(B) (tentative hearing date) shall be 7 days; and the 7 day provision of B.L.R. 9014-1(c)(3) (time for initiating party to reply) shall be 3 days.~~

##### (e) Opposition and Hearing.

~~When a moving party proceeds under ¶ (d)(2) of this rule, a~~ respondent to a motion to continue or to impose the stay will not be required to, but may, file responsive pleadings, points and authorities, and declarations for any hearing. Any such response shall be filed and served at least 3 days prior to the hearing. Oral opposition may be presented at the hearing. The hearing on a motion to continue the automatic stay must be concluded no later than 30 days after the petition date. See 11 U.S.C. § 362(c)(3)(B).

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(f) Applicability. This rule shall apply only to cases filed on or after October 17, 2005.